

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
v.)	
)	No. 3:21-CR-159-TAV-JEM
JOHN DAVID MORROW,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This case is before the Court on Defendant's Unopposed Motion to Continue All Deadlines and Trial [Doc. 23], filed on January 11, 2022. Defendant asks the Court to continue the February 22, 2022, trial date because defense counsel is in the process of reviewing the discovery provided by the Government. In addition, Defendant states that some discovery review must occur at the FBI, and the FBI's Computer Analysis Response Team ("CART") is still processing devices seized from Defendant's person and home. Finally, Defendant states that additional time will provide the parties an opportunity to make a full resolution of this matter, and that it will serve the ends of justice in that the need for additional time to properly prepare the case outweighs the best interests of the public and Defendant in a speedy trial. Counsel for Defendant relates that Defendant understands that the period between the filing of the motion for a continuance and a rescheduled court date is excludable under the Speedy Trial Act and that the Government does not oppose the requested continuance. The parties have conferred with Chambers and agreed on a new trial date of July 26, 2022.

The Court finds Defendant's Unopposed Motion to Continue All Deadlines and Trial [Doc. 23] is unopposed by the Government and well taken. The Court also finds that the ends of justice served by granting a continuance outweigh the interest of Defendant and the public in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). Based upon the representations in the motion, defense counsel needs more time to review discovery, including additional discovery that may be forthcoming from the Government. In addition, more time will provide the opportunity for the parties to potentially make a full resolution of this matter. Thus, the Court concludes that without a continuance, Defendant would not have the reasonable time necessary to prepare for trial, even proceeding with due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).

The Unopposed Motion to Continue All Deadlines and Trial [Doc. 23] is **GRANTED**. The trial of this case is reset to **July 26, 2022**. The Court finds that all the time between the filing of the motion on January 11, 2022, and the new trial date of July 26, 2022, is fully excludable time under the Speedy Trial Act for the reasons set forth herein. *See* 18 U.S.C. § 3161(h)(1)(D) & (h)(7)(A)–(B). The Court also sets a new schedule in this case, which is stated in detail below.

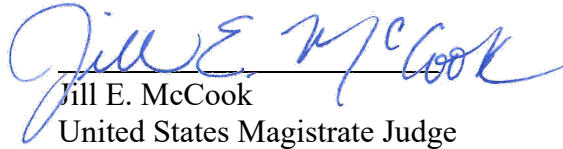
Accordingly, it is **ORDERED** as follows:

- (1) Defendant's Unopposed Motion to Continue All Deadlines and Trial [Doc. 23] is **GRANTED**;
- (2) The trial of this matter is reset to commence on **July 26, 2022, at 9:00 a.m.**, before the Honorable Thomas A. Varlan, United States District Judge;
- (3) All time between the filing of the motion on **January 11, 2022**, and the new trial date of **July 26, 2022**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein;
- (4) The new deadline for filing pretrial motions is **February 21, 2022**, and responses will be due **March 7, 2022**. **Any necessary hearing on pretrial motions** will be set at a later date;

- (5) The new deadline for filing a plea agreement in the record and providing reciprocal discovery is **June 27, 2022**;
- (6) The parties are to appear before the undersigned for a final pretrial conference on **July 11, 2022, at 11:00 a.m.**;
- (7) The deadline for filing motions *in limine* is **July 11, 2022**; and
- (8) Requests for special jury instructions with appropriate citations to authority pursuant to Local Rule 7.4 shall be filed on or before **July 15, 2022**.

IT IS SO ORDERED.

ENTER:


Jill E. McCook
United States Magistrate Judge